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REMARKS

The Examiner has required a restriction under 35 USC §121 in the above-identified patent application, to one of five inventions identified by the Examiner.

The Applicants elect Group II, Claims (in part) 1-12, 22-37, drawn to compounds, methods, compositions, and process of making compounds of formula I wherein A = Aryl, G1 = Benzofuran, an G2 = Non-heterocyclic, classified in class 549.

The election is made with partial traverse. In Applicants' independent claims, G2 includes only four formulae: c; d; e; and f; each of which represents an optionally substituted phenyl. There are no heterocyclics in the formulae for G2, nor in the substituents R1 and R2. The Applicants do not understand the Examiner's distinction of G2 = non-heterocyclic, since there are no heterocyclics recited for G2 in Applicants' claims. If the examiner is referring to the tetrazolylalkyl-substituted phenyl of formulae e and f as being a heterocyclic makes formulae e and f inventively distinct from the carboxyalkyl-substituted phenyl of formula c and d, then Applicants respectfully traverse such a distinction. Formulae c; d; e; and f each represents a different optionally substituted phenyl.

The Examiner further stated that claims 1, 30, 31 and 37 are generic to a plurality of patentably distinct species comprising: when G1 = Phenyl; when G1 = Benzofuran-Phenyl/aryl; when G1 = benzofuran-pyridine; when G1 = benzofuran-pyrimidine; when G1 = benzofuran-thienyl.

The Applicants traverse the restriction of species made by the Examiner. The Examiner's definition of patentably distinct species in this case is not understood by Applicants. The group G1 of Applicants' independent claims include only three formulae: a; b1; and b2; which respectively are benzofuranyl; phenyl, and phenyloxymethyl. There are no

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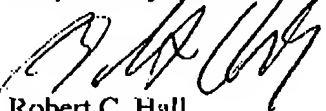
situations in which G1 = Benzofuran-Phenyl/aryl; benzofuran-pyridine; benzofuran-pyrimidine; or benzofuran-thienyl as indicated by the Examiner.

Applicants note that each formula for G1 may be substituted with A-. Applicants election of Group II provides compounds wherein A is aryl, G1 is benzofuranyl and G2 is optionally substituted phenyl (non-heterocyclyl). The species identified by the Examiner do not appear to exist in the subject matter of Group II elected by Applicants. Accordingly, Applicants traverse the restriction of species.

For purposes of examination, Applicants elect the species represented by the compound(s) of Example 1.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-354-7540.

Respectfully submitted,



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Date: September 18, 2003

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